

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAINON L. JONES,

Defendant.

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CASE NO. 4:17-cv-00524
(4:19-cr-01123)

ORDER
[Resolving Docs. [64](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 8, 2018, Defendant Dainon Jones pleaded guilty to one count of conspiring to possess or distribute 100 grams or more of phenylfentanyl, a fentanyl analogue.¹ On November 25, 2019, this Court denied Defendant's motion to vacate, set aside, or correct his sentence.² Defendant now seeks a certificate of appealability for his claims.

For the following reasons, the Court **DENIES** Jones's petition for a certificate of appealability.

Defendant Jones argued five ineffective assistance of counsel claims and said that due to his counsel's actions his plea was not voluntarily entered.³ On the whole, his arguments were attempts to collaterally attack his plea through the lens of ineffective assistance claims.

First, Jones's counsel was not ineffective for failing to challenge the indictment

¹ Doc. [18](#).

² Doc. [62](#).

³ Doc. [51](#).

because the indictment was not insufficient.⁴

Second, Jones failed to show how counsel was ineffective for failing to challenge the drug quantity, because he did not argue how the allegedly mislabeled drug in the indictment induced him to enter his guilty plea or how he was prejudiced by the alleged error.⁵

Third, Jones did not say how his counsel's argued errors created alleged issues with the presentencing report or how such issues related to the voluntariness of his plea.⁶

Fourth, Jones argued that the Court should have used a version of the sentencing guidelines that does not exist.⁷

Fifth, Jones failed to demonstrate anything close to rising to the level of fraud upon the Court.⁸

The Court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right."⁹ Jones has failed to do so for any of his claims. As such, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: February 10, 2020

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁴ Doc. 62 at 4-6.

⁵ *Id.* at 6-8.

⁶ *Id.* at 8-9.

⁷ *Id.* at 10.

⁸ *Id.* at 10-11.

⁹ 28 U.S.C. § 2253(c)(2).